

REMARKS

Status Of Application

Claims 1-10, 12-30 and 32 were pending in the application, by this amendment, claims 4 and 29 are cancelled, thus claims 1-3, 5-10, 12-28, 30 and 32 are pending in the application; the status of the claims is as follows:

Claims 1-3, 5, 9, 10, 28 and 30 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,711,512 to Upatnieks ("Upatnieks").

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Upatnieks in view of U.S. Patent No. 6,049,429 to Iizuka et al ("Iizuka").

Claims 13-27 and 32 are allowed.

Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6 and 12 have been rewritten in independent form, including all of the limitations of the base claim and any intervening claims, as suggested by the Examiner.

Accordingly, it is respectfully requested that the objection to claims 6 and 12 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, be reconsidered and withdrawn.

Drawings

To date, no Notice of Draftsperson's Patent Drawing Review has been received. Applicants respectfully request receipt of this document when it becomes available. Please note that the original drawings filed in the patent application are "formal" drawings.

Claim Amendments

Claims 1 and 28 have been amended to include the limitation found in original claims 4 and 29 respectively. Claims 9, 10, 13, 23, 25-27 and 32 have been amended to improve the grammar and form thereof. These changes thus do not introduce any new matter.

Allowable Subject Matter

The allowance of claims 13-27 and 32, by the Examiner, is noted with appreciation.

The objection to claims 6 and 12 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is noted with appreciation.

35 U.S.C. § 102(b) Rejection

The rejection of claims 1-3, 5, 9, 10, 28 and 30 under 35 U.S.C. § 102(b) as being allegedly anticipated by Upatnieks, is respectfully traversed based on the following.

Claim 1 has been rewritten to include the limitation of original claim 4 and now recites, in part:

wherein the hologram has optical power for projecting an image on an observer's pupil, while enlarging it.

[Emphasis added.] Claim 1 therefore includes the limitation that the hologram has optical power.

The Examiner asserts that Upatnieks discloses in column 3, lines 19-41, a hologram with optical power for projecting an image on an observer's pupil. This is not the case because Upatnieks does not disclose a hologram having optical power. A careful reading of Upatnieks fails to uncover any mention of a hologram having optical power. This is consistent with Figures 1-5 in Upatnieks, each of which show a parallel light beam image incident upon the prism with a parallel light beam image projected by the prism. A parallel light beam image is inconsistent with a hologram that has optical power, such as that illustrated in Figures 7-13 of the present application. Upatnieks uses a hologram as a substitute for a grating as Figures 1-5 of Upatnieks all note input and output gratings. Because gratings are designed for optical diffraction purposes, not for optical power purposes, Upatnieks' replacement of gratings with holograms cannot anticipate a hologram having optical power. Because Upatnieks fails to disclose or suggest a hologram with optical power, Upatnieks cannot anticipate or render obvious the device of claim 1.

Claims 2, 3, 5, 9 and 10 depend from claim 1. As claim 1 is considered unanticipated by Upatnieks, claims 2, 3, 5, 9 and 10 are considered unanticipated for at least the same reasons.

Claim 28, like claim 1, has been amended to include the limitation that the hologram has optical power. As Upatnieks fails to disclose or suggest a hologram with optical power, Upatnieks cannot anticipate or render obvious the device of claim 28.

Claim 30 depends from claim 28. As claim 28 is considered unanticipated by Upatnieks, claim 30 is considered unanticipated for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 1-3, 5, 9, 10, 28 and 30 under 35 U.S.C. § 102(b) as being allegedly anticipated by Upatnieks, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejection

The rejection of claims 7 and 8 under 35 U.S.C. § 103(a), as being allegedly unpatentable over Upatnieks in view of Iizuka, is respectfully traversed based on the following.

Claims 7 and 8 depend from claim 1. As claim 1 is considered unanticipated by Upatnieks due to Upatnieks' failure to disclose or suggest a hologram having optical power, Upatnieks similarly fails to anticipate claims 7 and 8. Furthermore, the combination of Upatnieks and Iizuka fails to suggest a hologram having optical power. Iizuka does not disclose the use of a hologram in any form, let alone one that has optical power. Thus, the combination of the Upatnieks and Iizuka cannot render obvious the devices of claims 7 and 8.

Accordingly, it is respectfully requested that the rejection of claims 7 and 8 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Upatnieks in view of Iizuka, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 2 from 4 to 6, but does not increase the total number of claims or present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$168 to be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

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Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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